

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.9618 of 2023
Date of decision: 4th May, 2023

Kewal Masih & others
... Petitioners
Versus
State of Punjab
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: None for the petitioners.
Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners are seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.22 dated 30.01.2023 under Sections 452, 323, 325, 148, 149, 427 IPC registered at Police Station Dera Baba Nanak, District Batala.

Vide order dated 23.02.2023, petitioners No.2 to 5 had been granted concession of interim bail in the following terms:-

“Learned counsel for the petitioners while drawing attention of this Court to the FIR which has been annexed as Annexure P-1, submits that the only role attributed to petitioner No.3 is that he inflicted an injury on the nose of the injured with a baseball bat, as a result of which, he sustained nasal bone fracture attracting mischief of Section 325 IPC. Qua other petitioners, learned counsel submits that they have not been attributed any injury in the occurrence in question though they were allegedly armed

with a dang. He further submits that the petitioners are ready to join investigation and cooperate with the Investigating Agency.”

Learned counsel for the petitioners submits that in compliance of the order dated 23.02.2023, petitioners No.2 to 5 have joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions, has reiterated the submissions made on the last date of hearing that qua petitioner No.1, the instant petition has been rendered infructuous, as he was arrested prior to the issuance of notice of motion by this Court on 23.02.2023. However, on further instructions, he does not dispute the factum of petitioners No.2 to 5 having joined investigation and cooperated with the investigating agency. He, on instructions submits that these petitioners are not required for further investigation much less for their custodial interrogation.

In the circumstances, the petition qua petitioner No.1 stands dismissed as infructuous. However, qua petitioners No.2 to 5, the same is allowed and the interim order dated 23.02.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the said petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the bail granted to them.

(MANJARI NEHRU KAUL)
JUDGE

May 4, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No